

Message Text

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ACTION DHA-02

INFO OCT-01 NEA-10 ISO-00 AID-05 IGA-02 CIAE-00 DODE-00
PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 TRSE-00 OMB-01 NSCE-00 SSO-00 USIE-00
INRE-00 ORM-02 /062 W
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O R 041407Z MAR 77
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC IMMEDIATE 5137
INFO AMCONSUL JERUSALEM

C O N F I D E N T I A L TEL AVIV 1594

E.O. 11652: N/A
TAGS: SHUM, IS
SUBJECT: HUMAN RIGHTS REPORTING TO THE CONGRESS

REFS: (A) STATE 38407 (B) STATE 46674

1. IN ACCORDANCE WITH REFTELS, THE HUMAN RIGHTS REPORT FOR ISRAEL WAS PASSED TO THE MFA MARCH 3. THE FOL COMMENTS ON THE REPORT HAVE NOW BEEN RECEIVED FROM THE MFA WITH THE REQUEST THAT THEY BE MADE AVAILABLE TO THE DEPT PRIOR TO THE DEPUTY SECRETARY'S TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS SUB-COMMITTEE.

2. AT THE END OF THE THIRD PARAGRAPH UNDER PART I (POLITICAL SITUATIONS), THE MFA STATED IT WAS NOT ENTIRELY ACCURATE TO SAY THAT "VERY FEW" OF THE PALESTINIAN ARABS HAVE BEEN PERMITTED TO RETURN TO RESIDE IN ISRAEL. ALTHOUGH IT DID NOT HAVE PRECISE FIGURES, THE MINISTRY ESTIMATES THAT 60,000 TO 80,000 ISRAELI ARABS HAVE RETURNED TO ISRAEL AFTER HAVING FLED IN 1948.

3. REFERRING TO III.B. UNDER 1 (ISRAEL PROPER), THE MINISTRY COMMENTED, WITH REGARD TO EXPROPRIATION OF LAND
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FROM ISRAELI ARABS, THAT ALL LAND EXPROPRIATIONS ARE SUBJECT TO LEGAL REVIEW AS TO THE PURPOSE FOR WHICH THE LAND WAS EXPROPRIATED AND THE AMOUNT OF COMPENSATION PAID.

4. THE BULK OF THE MINISTRY'S COMMENTS, AS COULD BE EXPECTED, REFERRED TO THE DISCUSSION IN THE DEPARTMENT'S REPORT OF THE SITUATION IN THE OCCUPIED TERRITORIES.

WITH REGARD TO THE FIRST PARAGRAPH UNDER II (LEGAL SITUATION), THE MINISTRY COMMENTED THAT WHILE ISRAEL DOES NOT CONSIDER THAT THE FOURTH GENEVA CONVENTION IS APPLICABLE, IT HAS UNDERTAKEN TO APPLY ALL THE PROVISIONS OF THAT CONVENTION TO THE TERRITORIES.

4. WITH REGARD TO THE DISCUSSION OF ADMINISTRATIVE DETENTION IN THE FOURTH PARAGRAPH UNDER II (LEGAL SITUATION), THE MINISTRY POINTED OUT THAT ANY ADMINISTRATIVE DETAINEE CAN SEEK A WRIT OF HABEAS CORPUS FROM THE SUPREME COURT IN ISRAEL AND THAT ALL SUCH DETAINEES HAVE THE RIGHT TO REQUEST REVIEW OF THEIR CASES BY A PERMANENT COMMITTEE AND TO BE REPRESENTED BY LEGAL COUNSEL OF THEIR CHOICE DURING SUCH REVIEW. THERE IS ALSO THE REQUIREMENT THAT THIS PERMANENT COMMITTEE REVIEW EVERY SIX MONTHS EACH CASE OF ADMINISTRATIVE DETENTION.

5. COMMENTING ON THE DISCUSSION UNDER ARTICLE 8 OF III A, THE MINISTRY POINTED OUT THAT RESIDENTS OF THE TERRITORIES DO HAVE THE RIGHT TO SEEK WRITS FROM THE ISRAELI SUPREME COURT AGAINST THE MILITARY AUTHORITIES AND THAT THEY CAN SUE IN ISRAELI COURTS FOR REDRESS.

6. WITH REGARD TO ARTICLE 10 OF THE SAME DECTION OF THE REPORT, THE MINISTRY POINTED OUT THERE IS NO PROVISION FOR ANY SUCH SUMMARY PROCEEDINGS AND IT HAS NO KNOWLEDGE THAT ANY SUCH PROCEEDINGS HAVE EVERY OCCURRED.

7. WITH REGARD TO THE DISCUSSION UNDER ARTICLE 11 OF THIS
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SECTION, THE MINISTRY REFERRED TO THE COMMENTS MADE ABOVE IN PARAGRAPH 4 REGARDING ADMINISTRATIVE DETENTION.

8. AS A GENERAL REMARK THE MINISTRY ADDED THAT WHILE THE PROVISIONS OF THE FOURTH GENEVA CONVENTION PERMITTED THE APPLICATION OF THE DEATH PENALTY, NO RESIDENT OF THE TERRITORIES HAS EVER BEEN EXECUTED.
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